

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 5/19/08

-----X
DONALD CAPOCCIA,

Plaintiff,

-against-

ROBERTO YANEZ SANCHEZ,

Defendant.
-----X

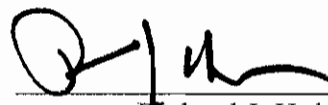
07 Civ. 3422 (RJH)

ORDER

Plaintiff filed a complaint in this action on April 30, 2007. Defendant has never appeared in this action or responded to Plaintiff's complaint. In July 2007, Plaintiff applied for default judgment. The Court found Plaintiff's application to be deficient and contacted Plaintiff's counsel to request that Plaintiff correct the deficiencies and resubmit his application. Plaintiff renewed his application for default judgment in August 2007. This application was also deficient. The Court again notified Plaintiff's counsel of the deficiencies and requested that Plaintiff resubmit his application. Plaintiff has not done so. On April 7, 2008, The Court contacted Plaintiff's counsel to inquire whether Plaintiff still intended to seek default judgment. Having received no response, the Court hereby dismisses this action without prejudice for failure to prosecute pursuant to Fed. R. Civ. P. 41(b). The clerk is instructed to close this case.

Dated: New York, New York
May 16, 2008

SO ORDERED.



Richard J. Holwell
United States District Judge